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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,265	10/03/2003	Douglas L. Gardner	P69199US0	8736

136 7590 10/19/2006

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EXAMINER	
PILLAI, NAMITHA	
ART UNIT	**PAPER NUMBER**
2173	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 10/677,265	**Applicant(s)** GARDNER ET AL.
	Examiner Namitha Pillai	**Art Unit** 2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 August 2006*.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-16* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges Applicant's submission on 8/3/06 including amendments to claims 1-9 and the addition of new claims 10-16. All pending claims have been rejected as being disclosed in prior arts.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 9 are rejected under 35 U.S.C. 112, 2nd paragraph for including the feature "expand/collapse" which renders the claim indefinite because it is unclear whether the limitation(s) refers to the "expand" or "collapse" feature.

Since claims 2-8 and 10-16 depend on claims 1 and 9 and include all the limitations of claims 1 and 9, claims 2-8 and 10-16 have also been rejected under 35 U.S.C. 112, 2nd paragraph.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5, 065, 347 (Pajak et al.), herein referred to as Pajak.

Referring to claim 1, Pajak discloses a navigation aid for hierarchical structures having multiple levels of nodes (Figure 5 and column 1, lines 7-10). Pajak discloses a node display means for displaying the nodes in a multilevel hierarchical structure (Figure 5). Pajak discloses icon display means for displaying a conventional icon in the vicinity of the name of each node (Figure 3). Pajak discloses menu display means for displaying a dynamic menu when the cursor is hovered over an activator used to swap the expanded/collapsed state of a node displayed in the hierarchical structure (Figure 12 and column 10, lines 16-24), wherein the cursor is placed over an activator area, the hovering occurring during this placement for generating a dynamic menu. Pajak discloses that the dynamic menu is associated with a node displayed in the hierarchical structure (column 7, lines 60-64), where the menu is generated based on association with a open folder that is represented as one of the nodes of the hierarchical structure. Pajak may not explicitly teach that the icons in the vicinity of the name of each node are expand/collapse icons. It is notoriously well known, in the art, at the time of the invention to display conventional expand/collapse icons in the vicinity of name of a node in a hierarchical structure. Examiner takes Official Notice of this teaching. It would have been obvious for one skilled in the art, at the time of the invention to display conventional expand/collapse icons in the vicinity of a name of a node in a hierarchical structure. The use of symbols or icons that are well known in the field of hierarchical structures are taught that allow the user of a hierarchical structure to navigate the nodes for collapse or expand of the structure. The use of these well known icons that are displayed in the vicinity of the name of the node in a hierarchical structure for expand

and collapse of hierarchical structures are common and known to one skilled in the art at the time of the invention. It would have been obvious for one skilled in the art, at the time of the invention to display conventional expand/collapse icons in the vicinity of name of a node in a hierarchical structure.

Referring to claims 2 and 10, Pajak discloses gathering statistics about the current state of the hierarchical structure, and wherein the dynamic menu contains information that is generated dynamically from the statistics (column 7, lines 58-67), where information is gathered concerning the opening status of the folders displayed and the menu is displayed based on the status of the folder being opened, where the menu is displayed for allowing further display of icons once it is determined that the icons are in the open folder.

Referring to claims 3 and 11, Pajak discloses adjusting the information based on the selected node's position within the hierarchical structure (column 7, lines 58-67), where the pop menu is displayed based on determination of the icons being within the icons in the open folder, where the information is adjusted based on the location of the icon within the structure.

Referring to claims 4 and 12, Pajak discloses that the menu identifies, by node name, the path of parent nodes from the root node (hierarchy fully collapsed) to the selected node (column 3, lines 25-30), wherein the hierarchical structure with selection capabilities being a menu identifies by node name the path of parent nodes from the root node to the selected node. Pajak discloses that the dynamic menu associated with a node also included level numbers for traversing through the hierarchical structure (Figure 7).

Referring to claims 5 and 13, Pajak discloses that the dynamic menu also identifies what level of expansion, within the path, the selected node resides (Figure 7), where the menu options of Pajak would allow for identification of what level the associated node is in relation to the hierarchical structure.

Referring to claims 6 and 14, Pajak discloses that the dynamic menu identifies how many additional levels the path can be expanded (column 8, lines 1-20), with the menu items identifying additional levels to which the structure can be expanded.

Referring to claims 7 and 15, Pajak discloses that the dynamic menu identifies the total number of additional descendant nodes that will be displayed if the hierarchical structure is expanded to a given level (Figure 7), with the identification of "Show One More Level", the menu has shown an additional descendant nodes and the number of nodes, the number being one, that will be displayed when the hierarchy is expanded to the given one more level.

Referring to claims 8 and 16, Pajak discloses updating the display to show the path of the hierarchical structure to be expanded or collapsed to the selected level of expansion (column 8, lines 3-9).

Referring to claim 9, Pajak discloses a computer program product for navigating hierarchical structures having, multiple levels of nodes (Figure 3 and column 1, lines 5-10). Pajak discloses a computer system including a program in a storage medium that carries out the features of the present invention (Figure 1). Pajak discloses displaying the nodes in a multilevel hierarchical structure (Figure 5). Pajak discloses displaying a conventional icon in the vicinity of the name of each node (Figure 3). Pajak discloses displaying a dynamic menu when the cursor is hovered over an activator used to swap the expanded and collapsed state of a node displayed in the hierarchical structure (Figure 12 and column 10, lines 16-24), wherein the cursor is placed over an activator area, the hovering occurring during this placement for generating a dynamic menu. Pajak discloses that the dynamic menu is associated with a node displayed in the hierarchical structure (column 7, lines 60-64), where the menu is generated based on association with a open folder that is represented as one of the nodes of the hierarchical structure. Pajak may not explicitly teach that the icons in the vicinity of the name of each node are expand/collapse icons. It is notoriously well known, in the art, at the time of the invention to display conventional expand/collapse icons in the vicinity of name of a node in a hierarchical structure. Examiner takes Official Notice of this teaching. It would have been obvious for one skilled in the art, at the time of the invention to display conventional expand/collapse icons in the vicinity of a name of a node in a hierarchical structure. The use of symbols or icons that are well known in the field of hierarchical structures are taught that allow the user of a hierarchical structure to navigate the nodes for collapse or expand of the structure. The use of these well known icons that are displayed in the vicinity of the name of the node in a hierarchical structure for expand and collapse of hierarchical structures are common and known to one skilled in the art at the time of the invention. It would have been obvious for one skilled in the art, at the time of the invention to display conventional expand/collapse icons in the vicinity of name of a node in a hierarchical structure.

Response to Arguments

4. Applicant's arguments filed 8/3/06 have been fully considered but they are not persuasive.

Like the present invention, Pajak also uses a hierarchical structure in combination with a dynamic menu of Figure 7 that allows for navigation of the hierarchical structure. Pajak's menu provides further options for expanding the hierarchical structure in various ways including showing all levels, showing top level and showing highest version. With Pajak's dynamic menu allowing for accessing of information within a specific node or icon that has been selected, the dynamic menu is based on node-specific information. The information including the levels data are all related to the nodes of the hierarchical structure, thereby being interpreted as node specific information within the menu. Pajak through its hierarchical structure and menu display descendent information as shown in Figure 7 and 8 with the dynamic menu allowing the user to navigate down the descendent level. Figure 8A describes the names of the nodes with the dynamic menu displaying both the names the numbers that are associated with a specific level to which the hierarchical structure can be navigated or expanded to. Pajak's dynamic menu also discloses the expansion and the levels of expansion that can occur from the selected and associated node. Based on the claimed language of claim 6, Pajak does disclose in the dynamic menu how many additional levels the path can be expanded providing that the path can be expanded to additional levels including all or one more. Therefore, the menu does teach providing information for various levels that the hierarchical structure can be expanded to. The arguments presented include additional features not claimed in the present claims. The arguments are related to expanding to distinct levels including levels 3-5 whereas the claims are broad in claiming that expansion occurs to various levels, which is disclosed in Pajak.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in

37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
Assistant Examiner
Art Unit 2173
October 13, 2006

RAYMOND J. BAYERL
PRIMARY EXAMINER
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